

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-cv-00645-FDW

SCOTT MICHAEL COX,)
)
)
Plaintiff,)
)
)
vs.)
)
)
FNU MCCOY, et al.,)
)
)
Defendants.)
)

ORDER

THIS MATTER is before the Court on periodic status review following the Plaintiff's failure to comply with the Court's Order requiring Plaintiff to notify the Court of his change in address [Doc. 22].

On December 12, 2019, the Court entered an Order requiring the Plaintiff to notify the Court of his change in address within 10 days after the Court received notification of mail returned as undeliverable to Plaintiff's current address. [Doc. 22]. Plaintiff's current address is listed on the docket report as Mecklenburg County Jail, 801 East 4th Street, Charlotte, North Carolina 28202. It appears, however, that Plaintiff is no longer at that address, and there is no updated address.

The Court, therefore, will dismiss this action without prejudice. A plaintiff has the obligation to notify the Court of an address change. Plaintiff has failed to notify the Court of his change in address. Therefore, this action will be dismissed without prejudice for failure to prosecute. Accord Walker v. Moak, Civil Action No. 07-7738, 2008 WL 4722386 (E.D. La. Oct. 22, 2008) (dismissing without prejudice a § 1983 action for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure where the plaintiff did not notify the court of his new

address upon his release from jail).

IT IS, THEREFORE, ORDERED that:

1. This action is dismissed without prejudice.
2. Defendant McCoy's pending Motion to Dismiss [Doc. 23] is **DENIED** without prejudice as moot.
3. The Clerk is directed to terminate the case.

Signed: January 8, 2020



Frank D. Whitney
Chief United States District Judge

